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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

K.D., THROUGH HER NATURAL
GUARDIAN AND MOTHER TEYLOR
DILLON,

Plaintiff,

vs.

BANNER LASSEN MEDICAL CENTER,
CHASE DENNIS EMERGENCY MEDICAL
GROUP, INC., MATTHEW KOLOSKY, D.O.,
MARC NIELSEN, D.O., EDWARD
SCHELLERT, P.A., THE UNITED STATES
OF AMERICA, AND DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 2:23-CV-00990-MCE-KJN

SCHEDULING ORDER

After review of the Joint Status Report, ECF No. 25, and subsequent agreement of the parties,
the Court amends its Initial Pretrial Scheduling Order (ECF No. 4) as follows:

SERVICE OF PROCESS

All defendants to this lawsuit have been served and no further service will be permitted except
with leave of court, good cause having been shown.

JOINDER OF ADDITIONAL PARTIES/AMENDMENTS

No further joinder of parties or amendments to pleadings is permitted except with leave of court,
good cause having been shown.

JURISDICTION AND VENUE

Jurisdiction and venue are not contested.

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SCHEDULING

The Court enters the following deadlines:

| EVENT | DEADLINE |
|---------------------------------------|-------------------|
| Rule 26(a)(1) Disclosures (Completed) | February 2, 2024 |
| Settlement Conference | January 14, 2025 |
| Fact Discovery Cut-Off | January 21, 2025 |
| Plaintiff's Expert Disclosures | April 18, 2025 |
| Defendant's Expert Disclosures | May 23, 2025 |
| Rebuttal Expert Disclosures | July 18, 2025 |
| Expert Discovery Cut-Off | October 24, 2025 |
| Dispositive Motion Filing Deadline | November 28, 2025 |

MOTION HEARINGS SCHEDULES

The parties are reminded of the notice requirements as outlined in Local Rule 230(b). The time deadline for dispositive motions does not apply to motions for continuances, temporary restraining orders or other emergency applications.

All purely legal issues are to be resolved by timely pre-trial motions. The parties are reminded that motions *in limine* are procedural devices designed to address the admissibility of evidence and are cautioned that the court will look with disfavor upon substantive motions presented at the final pre-trial conference or at trial in the guise of motions *in limine*. The parties are further cautioned that if any legal issue which should have been tendered to the court by proper pre-trial motion requires resolution by the court after the established law and motion cut-off date, substantial sanctions may be assessed for the failure to file the appropriate pre-trial motion.

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DISCOVERY

All discovery shall be completed by the deadline above. In this context, “completed” means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.

DISCLOSURE OF EXPERT WITNESSES

The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by the deadlines above.

Failure of a party to comply with the disclosure schedule as set forth above in all likelihood will preclude that party from calling the expert witness at the time of trial absent a showing that the necessity for the witness could not have been reasonably anticipated at the time the disclosures were ordered and that the failure to make timely disclosure did not prejudice any other party, or otherwise pursuant to rule or law. *See* Fed. R. Civ. P. 37(c).

All experts designated are to be fully prepared at the time of designation to render an informed opinion, and give their reasons therefore, so that they will be able to give full and complete testimony at any deposition taken by the opposing parties. Experts will not be permitted to testify at the trial as to any information gathered or evaluated, or opinion formed, after deposition taken subsequent to designation, except as permitted by rule or law.

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JOINT NOTICE OF TRIAL READINESS

The parties are ordered to file a Joint Notice of Trial Readiness not later than thirty (30) days after receiving this Court's ruling on the last filed dispositive motion or thirty (30) days following the expiration of the dispositive motion deadline if no dispositive motions are filed. The parties are to set forth in their Notice of Trial Readiness, the appropriateness of special procedures, whether this case is related to any other case(s) on file in the Eastern District of California, the prospect for settlement, their estimated trial length, any request for a jury, and their availability for trial. After review of the parties' Joint Notice of Trial Readiness, the Court will issue an order that sets forth new dates for a final pretrial conference and trial.

IT IS SO ORDERED.

Dated: February 29, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE